



City of Carmel

CARMEL PLAN COMMISSION SPECIAL STUDIES COMMITTEE TUESDAY, NOVEMBER 30, 2004

The Special Studies Committee met in the Caucus Rooms of City Hall, Carmel, Indiana at 7:00 PM, Tuesday, November 30, 2004.

Members in attendance: Jerry Chomanczuk; Wayne Haney; Mark Rattermann; Steve Stromquist; Madeleine Torres.

Members of the Department of Community Services in attendance: Jon Dobosiewicz.

Note: Item 9 was heard first, out of Agenda order.

The Special Studies Committee considered the following items:

- 1. Docket Nos. 04030047 DP/ADLS and 04030048 Z:**
North Augusta, Sec 1, lots 10pt-11 and Sec 2, Lot 39: My Three Sons Ventures, LLC
The applicant proposes a retail building development and rezoning lot 39 from S-1/Residence to Business. The site is located southeast of 97th Street & Michigan Rd. The site is zoned B-2/Business and S-1/Residence within the US 421 Overlay Zone. Filed by Chris McComas of Advocati, LLC.

Chris McComas of Advocati, LLC appeared before the Commission representing the applicant. Also in attendance: Landes Brothers. Chris McComas responded to comments made at the Plan Commission regarding an objectionable tenant in the present facility. The applicant has entered into discussions with the City Attorney, and this will not be an issue.

Mr. McComas reported that the applicant has also met with Counsel for Charles Spray yesterday. At the meeting, Counsel brought up four issues, one of which was the fence. Mr. Spray would prefer an 8-foot fence versus a 6-foot fence. A 6-foot fence has been proposed pursuant to discussions with the Department—a variance for an 8-foot fence is not favored at this time. The fence is in lieu of the landscape buffer and a trade-off for the additional 15 feet.

The second item discussed was the lighting in the space. Charles Spray and his Counsel were not aware of the City of Carmel requirement establishing a lighting plan, and this is no longer an issue for Mr. Spray. The hours of operation were an issue, and Mr. Spray wanted to be certain

that the automobile repair shop would not be open late hours in the evening. There will be no signage on the back of the building facing Mr. Spray's property. Mr. McComas said he had had three conversations with Mr. Spray's counsel and he is not willing to enter into any kind of agreement regarding the four items mentioned.

There are two additional items for discussion. One is the sound from the auto repair shop. Mr. Spray is referencing the sound of an impact wrench from the facility and that particular noise is no longer generated because a much quieter wrench is now being used. Mr. Spray was also about people being on his property at the time some landscaping work was done last spring. A rock has now been placed in such a fashion that no one can drive across Mr. Spray's property. Mr. McComas said the applicant has tried to accommodate Mr. Spray and has made its best effort, but there is no formal, written agreement at this time.

Jerry Chomanczuk said he was somewhat taken aback at the full Commission meeting at comments made by some of the neighbors.

Department Comments, Jon Dobosiewicz. A letter was received this afternoon from Mr. Spray and distributed this evening. Mr. Spray articulated his concerns and identified the fact that variances have been filed and he would have the opportunity to appear before the BZA and voice his opinion regarding those variance requests. The Department is not seeking additional modifications to the Development Plan as proposed. The recommendation was made to the petitioner that they not seek a variance to allow additional height to the fence from the adjacent neighbor. The fence runs the length of the line without any offset. If the BZA prefers the offset in the fence, the BZA needs to have the flexibility to approve such a modification without having to return to the Committee for review. The off-set would require some of the landscaping to be on the residents side of the fence as well as the petitioner's side of the fence.

The Department is recommending final approval of the DP/ADLS pursuant to authority granted to the Committee by the full Commission, subject to the dedication of the right-of-way as depicted on the site plan. Also, the Department is requesting that the Committee forward a favorable recommendation on to the City Council on the Rezone request.

Note: At this time, the public hearing was officially closed on these Dockets.

Mark Rattermann moved for approval of **Docket No. 04030047 DP/ADLS, My Three Sons Ventures, LLC**, conditioned upon dedication of right-of-way pursuant to the site plan, seconded by Madeleine Torres, **APPROVED 5-0**.

Mark Rattermann made formal motion to **forward Docket No. 04030048 Z, North Augusta, Sec 10pt-11 and Sec 2, Lot 39; My Three Sons Ventures, LLC to the City Council** with a favorable recommendation, seconded by Madeleine Torres, Approved 5-0.

2. Docket No. 04090039 DP/ADLS: 1301 South Range Line Road

The applicant proposes a new commercial building and associated signage. The site is located at 1301 S. Range Line Road. The site is zoned B-8/Business.

Filed by E. Davis Coots for Fineberg Group LLC.

Dave Coots, attorney, Coots Henke & Wheeler appeared before the Committee representing the applicant. Also in attendance: Steve Cain, architect with Carson Design Group; Mike DuBoy, site work engineer; Mark Fineberg, owner of the property.

The design for the new building will include a dropped cornice of a different material, color. The tenant sign will be moved closer to the awning in an effort to break up some of the sizeable space utilized previously for tenant signage; this will be done on the north, west, and rear elevations. The tenant signage complies with the Ordinance in terms of size.

The second issue raised was the lighting to ensure that the fixtures used on Carmel Drive and Range Line Road would not spill over onto traffic on either roadway. The cut sheets of the wall sconce intended for use provides for directional lighting to illuminate the façade of the building and also to illuminate the 10-foot wide walkway in front of the building.

Department Comments, Jon Dobosiewicz. The Department had asked for some modifications on the building elevation that reduced the area above the awnings with the tenant name and lowered it slightly. The petitioner has made the requested changes and nothing additional is required for discussion at Committee. The Department is recommending that this item be return to the full Commission with a favorable recommendation.

There was discussion regarding moving the sign brackets higher to provide safety for persons walking below, and the petitioner was agreeable to the suggestion. Parking was also discussed and adequacy questioned. Dave Coots said there is a cross easement agreement and additional parking is available behind Carmel Walk.

The drive-through tenant at this site could be a Bank or a Starbucks—not a fast food; the intention is a bank.

Note: A drive-through tenant—perhaps a bank—is a possibility at this location.

Jerry Chomanczuk asked if bike racks would be added; the petitioner is agreeable.

Mark Rattermann made formal motion to recommend approval to the full Commission of **Docket No. 04090039 DP/ADLS, 1301 South Range Line Road**, seconded by Steve Stromquist, Approved 5-0.

3. Docket No. 04090045 ADLS: O'Malia Fireplace

The applicant seeks approval of a building and parking lot expansion. The site is located at 220 South Range Line Road. The site is zoned B-1/Business.

Filed by Paul Reis of Drewry Simmons Vornehm, LLP for Helen J. O'Malia Trust.

Paul Reis, attorney, Drewry, Simmons, Vornehm, 8888 Keystone Crossing, Suite 1200 appeared before the Committee representing the applicant. Also in attendance: Kevin O'Malia.

The O'Malia Fireplace Shop has been in business over 40 years in the City of Carmel. The current location is at 220 South Range Line Road. The current proposal is for a building and showroom expansion at this particular location. The ground to the north is owned by the Carmel Redevelopment Commission. There are businesses to the south and the west; along the east side of Range Line Road is residential apartments, and businesses to the north and south. The site is zoned B-1 Business; an ADLS application is required—a Development Plan is not.

At the time construction begins, it is anticipated that the petitioner will return to Technical Advisory Committee to show the finer, engineering details. One of the comments has to do with the landscaping. The landscaping required under the Ordinance is the bufferyard requirement. The requirement would be for the installation of 22 shade trees, 14 ornamental trees, and 66 shrubs or 22 evergreens. Because of the bufferyard requirement and the layout of the site, the landscaping has been modified. The applicant feels the modified plan reasonably provides landscaping in a very attractive manner and is sufficient in view of the fact that there are no residential uses immediately to the north, south or west.

Currently, the parking is to the north at the site of the former O'Malia's Bakery parking lot. However, with the Redevelopment Commission acquisition of that property, the parking must be moved. Also, with the property being owned by the Redevelopment Commission, the applicant is unable to obtain a permanent easement for parking and/or access; a curb cut is provided on Range Line Road. The dynamics of the site design at this time require a new curb cut off Range Line Road as well as new, on-site parking in conjunction with the new building and the existing building. In addition to the landscaping shown, there is a dumpster enclosure with landscaping around the enclosure to the west.

A new sign will be located on the side of the building that will replace the existing ground sign along Range Line Road. The current entrance to the building will be refurbished with a new awning and new railing on the brick patio. However, once the improvements are completed, the main entrance will be relocated to the south.

The elevations show the all brick construction with the different brick coarsing to break up the façade. Windows are not seen because these are display areas and typically, there are fireplaces located there. In order to accommodate those fireplaces, and to break up the façade, the brick coarsing has been added.

The west elevation shows the primary entrance and those persons entering from the parking lot will use this entrance. The current building will have added new railing and decking, and this will be a service entrance for deliveries.

The north elevation shows no material changes to be made to this side.

The proposed, decorative lighting fixtures were shown.

O'Malia's Fireplace Shop is more than fireplaces. O'Malia's has a significant business with grills and patio furniture. The proposed development creates an environment to display this

merchandise. Some of the merchandise will be permanent improvements. The fire pits shown on the patio plan are permanent improvements. There are also built-in grills that are shown that will be permanent improvements. There are a few post-mounted grills and a patio-mount grill that are permanent—the rest of them are items that would be out during spring, summer, and fall months.

Department comments, Jon Dobosiewicz: Jon stated he had met with representatives of the petitioner before Thanksgiving. There was discussion regarding reducing the outdoor display area and Jon requested an update and asked if there were any changes to the plan.

Paul Reis responded that no change has been made to the plan. The goal is to make only one revision if required rather than making several revisions. There was discussion about reducing the patio area, depending upon the Committee. There is a possibility of installing shrubbery in addition to the fencing, or maybe just the shrubbery around the outside that would free the patio area from the street. Definitely, the building should not be hidden, but the creation of a courtyard effect is preferable.

Committee comments:

Jerry Chomanczuk was not in favor of the outdoor display of patio furniture and felt that it was outdoor storage. Whatever is done at this location should be an example for other merchants along Range Line Road as well.

Jon Dobosiewicz said he has had continuing discussions with the Redevelopment Director about this. If the petitioner is provided access to the north and the driveway is not constructed, the Department would like to see an expansion of the display area limited to the south side of the building at or behind the existing front building line. This would occur alongside the building if the drive were not constructed—this is an expense the petitioner does not want, certainly. They do not want to be required to construct the additional pavement and access along Range Line Road. The Department is not comfortable in supporting an area this large in size outside the front.

Jerry Chomanczuk referred to the “new addition.” If it were shifted westward 15 or 20 feet, perhaps the display could be relocated. Ideally, the Department would like to see the display installed where the handicap parking area is located.

Jon Dobosiewicz recommended the display be located south of the building if the petitioner can gain access. The Ordinance calls for a 45-foot right-of-way line. At some point in the future, it is envisioned that the City would move forward with acquiring additional right-of-way across the frontage. If the CRC were to grant access for the site to the north and they do not have to construct the drive, a reasonable request would be for the petitioner to dedicate additional right-of-way. It would be a win/win situation.

Jon Dobosiewicz expressed concern that the Department would advocate a position and the BZA would then review a variance to allow the outdoor display area to be in front of the building.

There are two issues here. One issue is their outdoor storage. Two—it is in the prescribed right-of-way and we would be allowing an improvement to be constructed within an area that the City would anticipate acquiring when it is not allowed by the Ordinance. We would be allowing an improvement to be placed in an area now that would cost more in the future than it would otherwise. Any variance granted by the Board of Zoning Appeals would have to be tightened up.

Wayne Haney commented that the architecture of the building is not exactly conducive to bringing people in. Architecturally, the proposal would be a big barrier in front of the potential customer.

Steve Stromquist suggested shifting one building to the west and bringing the building fronts flush to create a 3-corner courtyard effect that might be suitable for display. The question to the committee: Is this considered a display on Range Line Road? Shifting the building to the west and bringing the building flush would create a 3-corner courtyard that might be suitable for display.

Jerry Chomanczuk noted that the blocked-out windows looked like a “second thought” as opposed to a planned design.

Paul Reis responded that because of what is on the other side, windows do not work. Perhaps Wayne Haney could offer some suggestions in this regard.

The petitioner volunteered to go “back to the drawing board” for design alternatives and agreed to return to the January Committee meeting.

4. Docket No. 040110004 ADLS Amend: Brinson Building

The applicant seeks approval for the addition of new tenant signage.

The site is located at 3934 West 96th Street. The site is zoned B2/Business.

Filed by Jacob Brinson.

Jacob Brinson, Brinson Properties appeared before the Committee requesting an ADLS Amendment for tenant signage.

Jon Dobosiewicz commented that the photo presented does not do the property justice. The Ordinance allows is either a wall sign such as the one presented or a ground sign. Currently, the petitioner does not have the ability with the ground sign to put the proposed sign on the building, and a variance would be required for an additional sign.

Jacob Brinson stated that the variance for the additional sign was granted by the BZA on November 22, 2004. The building sign will state “Dentist” and “Chiropractor.” Under the Ordinance, each tenant was allowed a 35 square foot sign—this was agreed down to one sign that gives each tenant some wall space signage and is under the 35square feet allowed for one sign.

Department Comments, Jon Dobosiewicz. The Department is recommending approval. If identification/location signs were deemed necessary, the Committee can grant authority for a sign that is less than 3 square feet.

Mark Rattermann moved for approval of **Docket No. 040110004 ADLS Amend, Brinson Building**, seconded by Wayne Haney, **APPROVED 5-0**.

5. Docket No. 04080013 ADLS Amend: Mayflower Park, Block 6, lot 2 - Ed Martin

The applicant seeks design approval for parking lot expansion. The site is located southwest of Michigan Road and 99th Street. The site is zoned I-1/Industrial and is within the US 421 Overlay

Filed by Mark Settlemyre of Foresight Engineering for Ed Martin Pontiac.

TABLED TO JANUARY

6. Docket No. 04100025 ADLS Amend: Lakeside Park - Amenity Area

The applicant seeks approval for a revised amenity area site plan. The site is located Southwest of 141st Street & Towne Road. The site is zoned S-1/Residence-Estate.

Filed by Dawn Barnett of Drees Homes.

TABLED TO JANUARY

7. Docket No. 04110010 ADLS Amend: Fidelity Plaza Tower One - eGix

The applicant seeks approval for the addition of new tenant signage. The site is located at 11550 North Meridian Street. The site is zoned B6/Business.

Filed by Thomas Dakich.

Tom Dakich, attorney in Indianapolis appeared before the Committee representing the applicant. The sign company has made some requested changes. The graphics of those changes were displayed to the Committee.

Jon Dosobiseiwz commented that some of the other signs along the Corridor have been this way—both face-lit and back-lit letters. If the sign is going to be face-lit—just the letters should be face-lit. It looks as though the logo is entirely back-lit. The Department is suggesting that one be chosen—either face-lit or back-lit, with bronze return, white letters, reverse illumination on the lettering, and face lit logo as presented. (The sign faces US 31)

Steve Stromquist moved for approval **Docket No. 04110010 ADLS Amend, Fidelity Plaza Tower One, eGix**, signage as presented, subject to the petitioner selecting either back-lit or face-lit lettering, seconded by Wayne Haney, **APPROVED 5-0**.

8. Docket No. 040110023 ADLS Amend: Hamilton Crossing - SM&P Signage

The applicant seeks approval for the addition of new tenant signage. The site is located at 13085 Hamilton Crossing Blvd. The site is zoned B5/Business and B2/Business, and is in the US 31 Overlay

Filed by Steven Granner.

Steve Granner, Zoning Consultant with Bose, McKinney & Evans, 600 East 96th Street, Suite 500, appeared before the Committee representing the applicant, Duke Realty. SM & P Utility Resources, Inc. is a new tenant in the Hamilton Crossing Bldg. #6—sometimes better known as the Odessa building—the northern most office building connected to the parking garage. The Odessa sign is at the southern end of the east façade, towards US 31 and is a halo, back-lit sign.

This particular site is permitted three signs under the Ordinance due to three frontages. Duke is requesting permission to move the permitted sign from one façade and put it on the façade adjacent to a major highway. A variance is currently on file with the Board of Zoning Appeals and will be heard later this month.

The existing Odessa sign is 46 square feet; the proposed sign is 45 1/3 square feet. The east façade sign size maximum permitted is 120 square feet. The sign being removed is the one permitted on the west façade and any sign on this façade is permitted up to 150 square feet. The two signs together are two-thirds what is permitted on the east façade.

SM & P is currently located at 116th and Meridian Street and have been incorporated since 1979 and headquartered in Carmel 10 years; the parent company is McCleed Group based in St. Louis. The Company contracts with Utilities, visits various sites, and marks lines to prevent digging up utility lines. SM & P serves 9 midwest states, their major customers in Indiana are SBC, Citizens Gas, IPL, Indianapolis Water, and Comcast. Their corporate headquarters are here locally and they employ approximately 50 people, with 160 people in the field—1500 employees across the US.

The logo would be off-set two and one-half inches from the wall—same as the SM & P—it would have a clear backing on it, and the light would come through the face of the letter with white acrylic on the front with the ampersand logo.

Department Comments, Jon Dobosiewicz. The Department is recommending approval as amended. The ampersand is still back-lit, as proposed, but the face is also illuminated so that the ampersand is readable at night.

Jerry Chomanczuk remarked that there are several trees that will obscure whatever sign is going to be installed.

Mark Rattermann moved for approval of **Docket No. 040110023 ADLS Amend, Hamilton Crossing – SM&P Signage**, seconded by Madeleine Torres, **APPROVED 5-0**.

9. Docket No. 04110026 ADLS Amend: Meridian @ 465 - Autobase

The applicant seeks approval for a wall sign. The site is located south of 103rd Street and west of Meridian Street. The site is zoned B-1/Business within the US 31 Overlay Zone.

Filed by Charlie Frankenberger of Nelson & Frankenberger for Autobase, Inc.

Charlie Frankenger, attorney appeared before the Committee representing the applicant. Kim Curtis with Meridian @ 465, Autobase was also in attendance.

Signage for the Autobase facility located at 103rd and Meridian Streets within the US 31 Overlay is proposed on I-465 where it can be readily seen. The petitioner has variances on file with the Board of Zoning Appeals for the location of the sign.

The proposed sign would be 148 square feet, backlit, opaque, channel letters—the logo will be facelited, the letters will not.

Department Comments, Jon Dobosiewicz. The Department is recommending approval of this petition.

Mark Rattermann moved for approval of **Docket No. 04110026 ADLS Amend, Meridian @ 465, Autobase**, contingent upon signage letters being opaque, seconded by Madeleine Torres, **APPROVED 5-0**.

10. **Docket No. 040110029 ADLS Amend: Tom Wood Ford**

The applicant seeks approval for the replacement of a wall sign. The site is located at 3130 East 96th Street. The site is zoned B3/Business.

Filed by Seth Anderson.

Steve McVicker of Sign Craft appeared before the Committee representing the applicant. The petitioner is requesting the oval “Ford” logo on the south elevation of the building. Recently there has been a “Used Car” sign on the side of the building, blue channel letters, illuminated. The size of the sign is estimated to be close to the maximum square footage allowed (105 square feet.)

The proposed signage is the Ford logo, the standard Ford oval, blue background, white lettering, with silver border outline. The sign is face mounted to the surface, not on a raceway.

Department Comments, Jon Dobosiewicz. The proposal is not a significant; however, this place of business has been an on-going enforcement issue for signage. This is a situation that exists with all of the car dealers.

Mark Rattermann was not willing to vote for an item that was in violation and an enforcement issue.

There was discussion regarding car dealerships: sign violations, parking cars in the grass, etc. etc.

The dealerships have complied when it is called to their attention, but there are repeated issues of enforcement and sign violations. At this time, this petitioner is in compliance.

Mark Rattermann moved for approval of **Docket No. 040110029 ADLS Amend, Tom Wood Ford** signage as presented, seconded by Wayne Haney, **APPROVED 5-0**.

11. Docket No. 040110028 ADLS Amend: Carmel Motorsports

The applicant seeks approval for the addition of new signage and new exterior paint. The site is located at 3400 East 96th Street. The site is zoned B3/Business.

Filed by Philip Jeffares.

Scott Jeffares appeared before the Committee as the recent purchase of the building located at 3400 East 96th Street. Previously, this building was used by Thrifty Car Sales as a dealership.

Mr. Jeffares would like to neutralize the building and take it to its original, white color, no blue band, and it will somewhat match the Penske Honda store and the Penske Chevrolet Store. There will be no color band.

The signage proposed is Carmel Motorsports above the door, channel letters, lit sign. All four sides of the building will be painted white.

Department Comments, Jon Dobosiewicz. Jon recommended that the petitioner check on the width of the letters, that they look very narrow, and it is a question as to how they will read. The narrow width would be almost not legible. The square footage would not change.

Mark Rattermann moved for approval of **Docket No. 040110028 ADLS Amend, Carmel Motorsports**, subject to the final approval by DOCS Staff regarding the modification of the width of the letters, seconded by Steve Stromquist, **APPROVED 5-0**.

12. Docket No. 040110030 ADLS Amend: Bank One

The applicant seeks approval for new ground and wall signage. The site is located at 200 East Carmel Drive. The site is zoned B8/Business.

Filed by Bill Hutchison.

Bill Hutchison, Hutchison Sign Company appeared before the Committee representing the applicant. Approval is requested for a ground sign and a wall sign at 200 East Carmel Drive for Bank One.

The existing sign will be removed and replaced with a bricked-in monument sign as presented this evening. The brick runs from grade level to within 7 inches of the top of the sign. The brick and grout match the existing building; the sign will sit on the brick. At the top is a limestone cap.

The entrance is two-stories with a solid finished wall on the inside. Because of the neon channels, there must be a place to put the transformers; therefore, the sign will be raceway mounted, 6 inches in depth, and painted to match the color of the background of the building.

Note: The sign will be changed again with the buyout of Bank One.

Mark Rattermann moved for approval of **Docket No. 040110030 ADLS Amend, Carmel Motorsports**, as amended, seconded by Madeleine Torres, **APPROVED 5-0**.

13. Docket No. 040110031 ADLS Amend: Westpoint Financial

The applicant seeks approval for new wall signage. The site is located at 501 Congressional Blvd. The site is zoned B6/Business.
Filed by Bill Hutchison.

Bill Hutchison, Hutchison Sign Company appeared before the Committee seeking approval for a new wall sign for Westpoint Financial located at 501 Congressional Boulevard. The sign is 65 square feet and would be mounted on the south elevation. The sign will be reverse-mounted sub-channel letters, backlit. The sign will face 116th Street; the face and letters will be opaque at night--the letters will be black. The letters are trademark font, Helvetica letter, and Times Roman italicized letter. The maximum signage is 105 square feet; the petitioner is requesting 65 square feet.

Department Comments, Jon Dobosiewicz. The only issue before the Committee is that the font on the sign is not identical, otherwise the Department would have approved it. But, because it is different, different font, it needs committee approval.

Mark Rattermann moved for approval of **Docket No. 040110031 ADLS Amend, Westpoint Financial**, seconded by Steve Stromquist, **APPROVED 5-0**.

14. Docket No. 040110032 ADLS Amend: Fidelity Tower Plaza - Regions Bank Sign

The applicant seeks approval for new wall signage. The site is located at 11550 North Meridian Street. The site is zoned B6/Business within the US 31 Overlay Zone.
Filed by Robert Zeltmann.

Bob Zeltmann, Atlas Sign Company appeared before the Committee representing Regions Bank. The current request is for approval for a new wall sign from Union Planters Bank to Regions Bank.

The proposed sign is gold rather than green, and backlit. The face is white, the returns are bronze, and the petitioner is requesting that the logo would be face-lit.

Mark Rattermann moved for approval of **Docket No. 040110032 ADLS Amend, Westpoint Financial**, as presented, seconded by Madeleine Torres, **APPROVED 5-0**.

There being no further business to come before the Committee, the meeting adjourned at 9:30 PM.

Jerry Chomanczuk, Chairperson

Ramona Hancock, Secretary